

The Elian Gonzalez Case Revisited

The federal government can remove children when it wants

BY CASSANDRA FRANK

There was a time when a Democratic presidential administration not only took the position that it was acceptable to remove alien children from the United States, but it was willing to do so at gun point while the nation's attention was riveted on the case in question. Fourteen years ago, the Clinton Administration sent six-year-old Elian Gonzalez back to Cuba. While the Elian Gonzalez situation was not a typical removal, the episode debunks a frequent argument of the open borders lobby—that Americans will inevitably react with visceral horror to the forcible removal of unlawful aliens from the country, to poor countries under the grip of tyrannical governments.

A commonly used argument by amnesty supporters to bully the American people into accepting amnesty is that deportations are impossible. Sometimes this argument centers on logistics: that there are just so many of them that they cannot physically be deported all at once. However, this argument's flaw is that not all illegal aliens need be deported immediately, nor would it be necessary to physically deport all illegal aliens. Given a substantial likelihood that any random illegal alien would face deportation, chances are that many additional illegal aliens would choose to leave on their own terms, especially if a rise in deportations were coupled with more stringent worksite enforcement.¹

Since the idea that mass deportations is physically impossible does not withstand sustained scrutiny, amnesty proponents often resort instead to the idea that there would be too much public resistance to any mass deportation campaign to see it through. Often amnesty supporters say, Americans “don't have the stomach for mass deportations.”²

Yet the basis of this claim, that Americans do not have such stomachs, is a simplified fallacy. While it is true that, when faced with a binary poll “deport all illegal aliens” (a feat Americans have often been assured is impossible), or chose some other option, only a minor-

ity will choose deporting *all* illegal aliens. Yet, even in times when the public's attitude towards illegal immigration is softer, nearly a fifth of Americans will still elect deporting *all* illegal aliens, even though such a choice is not necessary.³

However, do such polls really reveal a violent reaction against deportations in progress? Answering yes or no in a poll setting is easy, but it is intensity on the issue is what actually changes voting behavior. When amnesty proponents say Americans do not have the stomach for deportations, their argument is that any politician who tries to do so would face such a backlash from voters that he will give up on the idea before it's gone very far. The American public as a whole, after all, does not have to carry out the deportations personally; that is what immigration agents will do. High-strung newspaper editorials decrying the deportations will certainly follow stepped-up deportation, but politicians are not removed from office by newspaper editorials but by voting. Will hearing about mass deportations in the news cause more Americans to vote against the President who ordered those deportations? What if the deportations were initially stepped up long before the next election? Actual American reaction could as well be a degree of sympathy for those who have to leave, but an acceptance that if no one is ever deported, the border cannot be secured.

Another part of the assumption that amnesty proponents make is that Americans are finely sensitive to the scale of the deportations. Yet, in reality, while one deportation is a tragedy, a million is a statistic. Could the American public, based on news reports, really tell the difference between deporting a million illegal aliens in a year, in a way that they could not if the number is ten times less? Thus, the claim that Americans won't stomach deportations actually claims too much—if Americans really were significantly likely to rebel against deportations, the government might well have trouble deporting any at all. Indeed, not wanting any deportations at all is precisely how amnesty activists do react when they see any immigration enforcement measures whatsoever.⁴ But most Americans do not act like amnesty activists.

What is the American reaction to a particular

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In a pre-dawn raid on April 22, 2000, gun-toting agents of the Border Patrol's elite BORTAC unit, acting under the authority of Attorney General Janet Reno and Assistant Attorney General Eric Holder, stormed the Miami home of Elian Gonzalez's relatives and seized the six-year-old Cuban refugee, the sole survivor of a failed voyage to flee communist-ruled Cuba. Elian was found by a fisherman floating on an inner tube 3 miles off the Florida coast on Thanksgiving Day, 1999. His mother and 11 others drowned after their raft capsized at sea. Federal agents forcibly deported Elian back to Cuba to his father's custody.

deportation case? That is where the famous case of Elian Gonzalez proves illuminating. Even when the alien being removed is particularly sympathetic, and the method of removal particularly harsh, a widespread and lasting reaction does not seem to arise among the American public.

In 1999, on Thanksgiving Day, Elian Gonzalez made international news when a fisherman found him clinging to an inner tube three miles off the coast of Florida.⁵ His mother had taken him from Cuba in a raft with eleven others, hoping to join family in Miami. All but then five-year-old Elian perished on the journey. He was taken to a hospital and released to relatives in Miami, who wished to keep him in the U.S. However, the Cuban government wanted him back, and was joined by Elian's father, who, presumably at the behest of the Castro government, filed a complaint with the United Nations to call attention to his custody demands.

Several months of custody disputes followed, in which the Clinton Administration de facto took the side of the Cuba government, and agreed that the boy should be returned to Cuba. However, his relatives in Miami did

not want to agree to give him up voluntarily. The Clinton Administration therefore pulled out the big guns, literally, in order to forcibly remove him from his American family and send him back to Communist Cuba.

On April 22, 2000, in a predawn military style raid, for which then Deputy Attorney General Eric Holder provided the supposed legal justification for, armed U.S. federal agents entered the home of his Miami relatives and seized Elian Gonzalez.⁶ A particularly poignant picture made the news (and won a Pulitzer Prize) of two men in helmets with masks and guns pointing at a terrified little boy hiding in the closet, while the man who saved his life holds him in his arms.

Yet despite this picture and the high degree of force used, the public as a whole did not particularly disapprove of the Clinton Administration for the actions it took. Sixty percent of the public approved of the affair's immediate aftermath.⁷

There are, of course, important differences between the Elian Gonzalez case and the tens of thousands of Central American minors currently pouring illegally across the border. These current cases do not generally

involve custody disputes between a father and a state. But regardless of the individual details of the case, the lesson can be learned that, if the head of the federal government wants, it can repatriate any alien it chooses. This applies even to a particularly telegenic child who must be snatched from the arms of his relatives at gunpoint. Elian Gonzalez's mother had even died for trying to bring him away from Cuba. Yet as long as his father would be there with him when he got back, Americans did not believe her sacrifice had to be honored by letting him stay in America.

And protests from an engaged minority of people, the Cuban Americans in Miami, did not change most American's minds.

It therefore stands to reason, that if Americans as a whole had the stomach to watch the Clinton Administration remove Elian, they have the stomach to watch a future administration deport large numbers of illegal aliens in order to restore the rule of law. Furthermore, deportations to restore American sovereignty would have an upside that the Clinton Administration didn't have with Elian Gonzalez. That is, there are a large number of Americans who believe it is necessary to preserve our way of life.⁸

The Elian Gonzalez case shows that the reason mass deportations have not been a response to the illegal alien crisis is that politicians don't *want* to carry them out. When the government wants to remove an alien, it does so. Failing to deport is not a reaction to what the public wants. ■

Endnotes

1. President Eisenhower, for instance, with a much smaller border patrol than exists today, managed to

remove over 50,000 aliens in just June and July of 1954, in just California and Arizona, and in response, nearly ten times as many fled the country, fearing arrest. See John Dilin, *The Christian Science Monitor*, "How Eisenhower solved illegal border crossings from Mexico," July 6, 2006, available at <http://www.csmonitor.com/2006/0706/p09s01-coop.html>

2. For instance, see Doug Bandow, *Forbes*, "Immigration Benefits U.S., So Let's Legalize All Work," September 16, 2013, available at <http://www.forbes.com/sites/dougbandow/2013/09/16/immigration-benefits-the-u-s-so-lets-legalize-all-work/>

3. For instance, see John Farrell, *National Journal*, "GOP Ponders Immigration Reform, So Does Public," November 13, 2012, available at <http://www.nationaljournal.com/daily/gop-ponders-immigration-reform-and-so-does-public-20121113>

4. See, for instance, the "Not One More" campaign. <http://www.notonemoredeportation.com/>

5. See PBS timeline, <http://www.pbs.org/wgbh/pages/frontline/shows/elian/etc/eliancron.html>

6. Investor's Business Daily, "Elian Gonzalez, Call your Office," July 11, 2014, available at <http://news.investors.com/ibd-editorials/071114-708428-eric-holder-deported-alien-minor-elian-gonzalez.htm?p=2>

7. CNN Poll, available at <http://edition.cnn.com/2000/ALLPOLITICS/stories/04/25/elian.poll/>

8. See, *The Hill*: "Most in U.S. say illegal immigrants threaten way of life, economy." August 7, 2014, available at <http://thehill.com/blogs/blog-briefing-room/news/214561-poll-most-in-us-say-illegal-immigrants-threaten-life-economy>

Eric Holder's Hypocrisy on Deporting Illegal Alien Children

Jennifer C. Braceras, a lawyer and political commentator, highlighted Attorney General Eric Holder's glaring hypocrisy when it comes to deporting illegal alien children: "Eric Holder practically weeps for the unaccompanied Latin American children who for the past two years have streamed across our unprotected southern border.

"How we treat those in need, particularly young people who must appear in immigration proceedings — many of whom are fleeing violence, persecution, abuse, or trafficking — goes to the core of who we are as a nation," the attorney general said last week.

"Perhaps he's right, but tell that to Elián González — the terrified 6-year-old boy who federal authorities seized at gunpoint from his uncle's home in Miami to ship back to communist Cuba in April 2000.

"Back then, Deputy Attorney General Holder had little sympathy for unaccompanied immigrant children like Elián, who was discovered drifting off the coast of Miami clinging to an inner tube on Thanksgiving Day 1999. Authorities brought the unidentified child to the hospital, where the boy's Miami-based paternal relatives showed up to claim him.

"Later we learned that little Elián had fled Cuba in a small boat with his mother, his mother's boyfriend, and others who perished at sea."

—Jennifer C. Braceras, *The Boston Herald*, July 17, 2014, p. 15.